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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013 - 547*

13 **SUSAN KELSO KYATT**
3598 Atdoann Dr.
Hoover, AL 35226

A C C U S A T I O N

14 **Registered Nursing License No. 769232**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about February 25, 2010, the Board issued Registered Nursing License Number
22 769232 to Susan Kelso Kyatt ("Respondent"). The license was in full force and effect at all times
23 relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

24 **JURISDICTION**

25 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
26 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
27 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
28 Practice Act.

1 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
3 to render a decision imposing discipline on the license.

4 **STATUTORY PROVISIONS**

5 5. Code section 2761 states, in pertinent part:

6 “The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for the following:

8 (a) Unprofessional conduct...

9 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
10 against a health care professional license or certificate by another state or territory of the United
11 States, by any other government agency, or by another California health care professional
12 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
13 action.”

14 **COST RECOVERY**

15 6. Section 125.3 of the Code provides, in pertinent part, that the Board may
16 request the administrative law judge to direct a licentiate found to have committed a violation or
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
18 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
19 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
20 may be included in a stipulated settlement.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Out-of-State Discipline)**

23 7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
24 October 13, 2011, pursuant to a Voluntary Surrender, attached hereto as **Exhibit A**, in a matter
25 titled *In the Matter of Susan Marinda Kelso Kyatt*, the Alabama Board of Nursing accepted
26 Respondent’s voluntary surrender of her Registered Nurse License Number 1-051180 due to
27 Respondent’s chemical dependency.


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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 769232, issued to Susan Kelso Kyatt;
2. Ordering Susan Kelso Kyatt to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: JANUARY 17, 2013

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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